



General Assembly

January Session, 2001

Raised Bill No. 1323

LCO No. 4258

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE LICENSING OF HOME IMPROVEMENT CONTRACTORS AND TELECOMMUNICATIONS INFRASTRUCTURE LAYOUT TECHNICIANS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-419 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 As used in this chapter, unless the context otherwise requires:

4 (1) ["Certificate"] "License" means (A) a certificate of registration
5 issued under section 20-422 prior to July 1, 2001, or (B) a license issued
6 under section 20-411, as amended by this act, on or after July 1, 2002.

7 (2) "Commissioner" means the Commissioner of Consumer
8 Protection or any person designated by the commissioner to
9 administer and enforce this chapter.

10 (3) "Contractor" means any person who owns and operates a home
11 improvement business or who undertakes, offers to undertake or
12 agrees to perform any home improvement [. "Contractor"] including a
13 subcontractor, but does not include a person for whom the total cash

14 price of all of [his] such person's home improvement contracts with all
15 of [his] such person's customers does not exceed one thousand dollars
16 during any period of twelve consecutive months.

17 (4) "Home improvement" includes, but is not limited to, the repair,
18 replacement, remodeling, alteration, conversion, modernization,
19 improvement, rehabilitation or sandblasting of, or addition to any land
20 or building or that portion thereof which is used or designed to be
21 used as a private residence, dwelling place or residential rental
22 property, or the construction, replacement, installation or
23 improvement of driveways, swimming pools, porches, garages, roofs,
24 siding, insulation, solar energy systems, flooring, patios, landscaping,
25 fences, doors and windows and waterproofing in connection with such
26 land or building or that portion thereof which is used or designed to be
27 used as a private residence, dwelling place or residential rental
28 property, in which the total cash price for all work agreed upon
29 between the contractor and owner exceeds two hundred dollars.
30 "Home improvement" does not include: (A) The construction of a new
31 home; (B) the sale of goods by a seller who neither arranges to perform
32 nor performs, directly or indirectly, any work or labor in connection
33 with the installation or application of the goods or materials; (C) the
34 sale of goods or services furnished for commercial or business use or
35 for resale, provided commercial or business use does not include use
36 as residential rental property; (D) the sale of appliances, such as stoves,
37 refrigerators, freezers, room air conditioners and others which are
38 designed for and are easily removable from the premises without
39 material alteration thereof; and (E) any work performed without
40 compensation by the owner on [his] the owner's own private residence
41 or residential rental property.

42 (5) "Home improvement contract" means an agreement between a
43 contractor and an owner for the performance of a home improvement.

44 (6) "Owner" means a person who owns or resides in a private
45 residence and includes any agent thereof. An owner of a private

46 residence shall not be required to reside in such residence to be
47 deemed an owner under this subdivision.

48 (7) "Person" means an individual, partnership, limited liability
49 company or corporation.

50 (8) "Private residence" means a single family dwelling, a multifamily
51 dwelling consisting of not more than six units, or a unit, common
52 element or limited common element in a condominium, as defined in
53 section 47-68a, or in a common interest community, as defined in
54 section 47-202.

55 (9) ["Salesman"] "Salesperson" means any individual who (A)
56 negotiates or offers to negotiate a home improvement contract with an
57 owner, or (B) solicits or otherwise endeavors to procure by any means
58 whatsoever, directly or indirectly, a home improvement contract from
59 an owner on behalf of a contractor.

60 (10) "Residential rental property" means a single family dwelling, a
61 multifamily dwelling consisting of not more than six units, or a unit,
62 common element or limited common element in a condominium, as
63 defined in section 47-68a, or in a common interest community, as
64 defined in section 47-202, which is not owner occupied.

65 Sec. 2. Section 20-420 of the general statutes is repealed and the
66 following is substituted in lieu thereof:

67 (a) No person shall hold [oneself] himself or herself out to be a
68 contractor or salesperson without first obtaining a [certificate of
69 registration] license from the commissioner as provided in this
70 chapter, except that an individual or partner, or officer or director of a
71 corporation [registered] licensed as a contractor shall not be required
72 to obtain a salesperson's [certificate] license. No [certificate] license
73 shall be given to any person who holds oneself out to be a contractor
74 that performs radon mitigation unless such contractor provides
75 evidence, satisfactory to the commissioner, that the contractor has

76 attended a program approved by the Commissioner of Public Health
77 and received a passing score on an examination approved by said
78 commissioner.

79 (b) No contractor shall employ any [salesman] salesperson to
80 procure business from an owner unless the [salesman is registered]
81 salesperson is licensed under this chapter.

82 (c) No individual shall act as a home improvement [salesman for an
83 unregistered] salesperson for an unlicensed contractor.

84 (d) No contractor shall contract with any subcontractor for the
85 performance of a portion of a home improvement contract unless the
86 subcontractor is licensed under this chapter.

87 Sec. 3. Section 20-421 of the general statutes is repealed and the
88 following is substituted in lieu thereof:

89 (a) Any person seeking a [certificate of registration] license shall
90 apply to the commissioner in writing, on a form provided by the
91 commissioner. The application shall include the applicant's name,
92 residence address, business address, business telephone number and
93 such other information as the commissioner may require.

94 (b) Each application for a [certificate of registration] license as a
95 home improvement contractor or a salesperson shall be accompanied
96 by a nonrefundable fee of [sixty dollars] fifty dollars and an
97 examination fee determined by the commissioner, except that no such
98 application fee shall be required in any year during which such person
99 has paid the registration fee required under section 20-417c or in any
100 year in which such person's registration as a new home construction
101 contractor is valid.

102 [(c) Each application for a certificate of registration as a salesman
103 shall be accompanied by a fee of sixty dollars.]

104 (c) Each licensed contractor or salesperson shall pay an annual

105 license renewal fee of fifty dollars for a license issued under this
106 chapter.

107 (d) The application fee for a [certificate of registration as a home
108 improvement] license as a contractor acting solely as the contractor of
109 record for a corporation, shall be waived, provided the contractor of
110 record shall use such [registration] license for the sole purpose of
111 directing, supervising or performing home improvements for such
112 corporation.

113 (e) (1) The Commissioner of Consumer Protection may adopt
114 regulations, in accordance with chapter 54, for establishing classes of
115 licensure for contractors and salespersons.

116 (2) A contractor shall not perform or offer to perform home
117 improvements beyond the scope of such contractor's license or the
118 class or classes of licensure established by the commissioner pursuant
119 to this subsection.

120 (f) (1) On or after July 1, 2002, an applicant for licensure pursuant to
121 this chapter shall take an examination for licensure as set forth in
122 subdivision (3) of this subsection.

123 (2) On or after July 1, 2002, an applicant for the renewal of any
124 certificate of registration issued pursuant to this chapter prior to July 1,
125 2002, shall comply with the examination requirements of subdivision
126 (3) of this subsection.

127 (3) An examination on the construction, safety, health and lien laws
128 of this state and the general business practices of home improvement
129 shall be prepared by the Department of Consumer Protection or by a
130 national testing service designated by the department and shall be
131 administered by the department or such testing service. The
132 department shall conduct at least four examinations each year. Written
133 notice of the time and place of each examination shall be given to each
134 applicant at least ten days prior to such examination.

135 Sec. 4. Section 20-422 of the general statutes is repealed and the
136 following is substituted in lieu thereof:

137 Upon receipt of a completed application and fee, and upon receipt
138 of notice of an applicant's passing score on the licensing examination,
139 the commissioner shall: (1) Issue and deliver to the applicant a
140 [certificate] license to engage in the business for which the application
141 was made; or (2) refuse to issue the [certificate] license. The
142 commissioner may suspend, revoke or refuse to issue or renew any
143 [certificate] license issued under this chapter or may place a
144 [registrant] licensee on probation or issue a letter of reprimand or may
145 require the posting of a bond meeting the specifications of section 20-
146 426a, as amended by this act, as a condition for the issuance, renewal
147 or reinstatement of a [certificate of registration] license for any of the
148 reasons stated in section 20-426, as amended by this act. No application
149 for the reinstatement of a [certificate] license which has been revoked
150 shall be accepted by the commissioner within one year after the date of
151 such revocation.

152 Sec. 5. Section 20-423 of the general statutes is repealed and the
153 following is substituted in lieu thereof:

154 (a) Upon refusal to issue or renew a [certificate] license under this
155 chapter, the commissioner shall notify the applicant of the denial and
156 of the applicant's right to request a hearing [within ten days from] not
157 later than ten days after the date of receipt of the notice of denial.

158 (b) If the applicant requests a hearing within such [ten days] ten-day
159 period, the commissioner shall give notice of the grounds for the
160 commissioner's refusal and shall conduct a hearing concerning such
161 refusal, in accordance with the provisions of chapter 54, concerning
162 contested [cases] matters.

163 (c) If the commissioner's denial of a [certificate] license is sustained
164 after such hearing, an applicant may [make new application] submit a
165 new application for a license under this chapter not less than one year

166 after the date on which such denial was sustained.

167 Sec. 6. Section 20-426 of the general statutes is repealed and the
168 following is substituted in lieu thereof:

169 (a) The commissioner may revoke, suspend or refuse to issue or
170 renew any [certificate of registration as a home improvement
171 contractor or salesman or place a registrant] license as a contractor or
172 salesperson or place a licensee on probation or issue a letter of
173 reprimand for: (1) Conduct of a character likely to mislead, deceive or
174 defraud the public or the commissioner; (2) engaging in any untruthful
175 or misleading advertising; (3) failing to reimburse the guaranty fund
176 established pursuant to section 20-432, as amended by this act, for any
177 moneys paid to an owner pursuant to subsection (o) of section 20-432,
178 as amended by this act; (4) unfair or deceptive business practices; or (5)
179 violation of any of the provisions of the general statutes relating to
180 home improvements or any regulation adopted pursuant to any of
181 such provisions.

182 (b) The commissioner shall not revoke or suspend any [certificate of
183 registration] license or require the posting of a bond except upon
184 notice and hearing in accordance with chapter 54.

185 Sec. 7. Subsection (e) of section 20-426a of the general statutes is
186 repealed and the following is substituted in lieu thereof:

187 (e) The bond required by this section may be released by the
188 commissioner twelve months after the contractor ceases to be
189 [registered] licensed, if there are no claims pending against the bond.

190 Sec. 8. Section 20-427 of the general statutes is repealed and the
191 following is substituted in lieu thereof:

192 (a) Each person engaged in making home improvements shall (1)
193 exhibit [his certificate of registration] such person's license upon
194 request by any interested party, (2) state in any advertisement the fact
195 that [he is registered] such person is licensed, and (3) include [his

196 registration] such person's license number in any advertisement.

197 (b) No person shall: (1) Present or attempt to present, as his or her
 198 own, the [certificate] license of another, (2) knowingly give false
 199 evidence of a material nature to the commissioner for the purpose of
 200 procuring a [certificate] license, (3) represent himself or herself falsely
 201 as, or impersonate, a [registered home improvement contractor or
 202 salesman] licensed contractor or salesperson, (4) use or attempt to use
 203 a [certificate] license which has expired or which has been suspended
 204 or revoked, (5) offer to make or make any home improvement without
 205 having a current [certificate of registration under this chapter] license
 206 under this chapter or offer to make or make a home improvement
 207 beyond the scope of the class or classes of licensure for which the
 208 licensee is authorized to practice, (6) represent in any manner that [his
 209 registration] such person's licensure constitutes an endorsement of the
 210 quality of [his] such person's workmanship or of [his] such person's
 211 competency by the commissioner, (7) employ or allow any person to
 212 act as a [salesman on his] salesperson on such person's behalf unless
 213 such person is [registered as a home improvement salesman] licensed
 214 as a salesperson, or (8) fail to refund the amount paid for a home
 215 improvement within ten days of a written request mailed or delivered
 216 to the contractor's last known address, if no substantial portion of the
 217 contracted work has been performed at the time of the request and
 218 more than thirty days has elapsed since the starting date specified in
 219 the written contract, or more than thirty days has elapsed since the
 220 date of the contract if such contract does not specify a starting date.

221 (c) In addition to any other remedy provided for in this chapter, (1)
 222 any person who violates any provision of subsection (b) of this section,
 223 except subdivision (5) or subdivision (8), shall be guilty of a class [B] A
 224 misdemeanor, and (2) any person who violates the provisions of
 225 subdivision (5) or subdivision (8) of subsection (b) of this section shall
 226 be guilty of a class [B] A misdemeanor if the home improvement that is
 227 offered or made has a total cash price of ten thousand dollars or less
 228 and shall be guilty of a class [A misdemeanor] D felony if the home

229 improvement that is offered or made has a total cash price of more
230 than ten thousand dollars. Notwithstanding subsection (d) of section
231 53a-29 or section 54-56e, if the court determines that a contractor
232 cannot fully repay [his] such contractor's victims within the period of
233 probation established in subsection (d) of section 53a-29 or section 54-
234 56e, the court may impose probation for a period of not more than five
235 years. A violation of any of the provisions of this chapter shall be
236 deemed an unfair or deceptive trade practice under subsection (a) of
237 section 42-110b.

238 (d) The commissioner may, after notice and hearing in accordance
239 with the provisions of chapter 54, impose a civil penalty on any person
240 who engages in or practices the work or occupation for which a
241 [certificate of registration] license is required by this chapter without
242 having first obtained such a [certificate of registration] license or who
243 wilfully employs or supplies for employment a person who does not
244 have such a [certificate of registration] license or who wilfully and
245 falsely pretends to qualify to engage in or practice such work or
246 occupation, or who engages in or practices any of the work or
247 occupations for which a [certificate of registration] license is required
248 by this chapter after the expiration of [his certificate of registration]
249 such person's license or who violates any of the provisions of this
250 chapter or the regulations adopted pursuant [thereto] to this chapter.
251 Such penalty shall be in an amount not more than five hundred dollars
252 for a first violation of this subsection, not more than seven hundred
253 fifty dollars for a second violation of this subsection occurring not
254 more than three years after a prior violation and not more than one
255 thousand five hundred dollars for a third or subsequent violation of
256 this subsection occurring not more than three years after a prior
257 violation. Any civil penalty collected pursuant to this subsection shall
258 be deposited in the Consumer Protection Enforcement Fund
259 established in section 21a-8a.

260 (e) [Certificates] Licenses issued to [home improvement contractors
261 or salesmen] contractors or salespersons shall not be transferable or

262 assignable.

263 (f) All [certificates] licenses issued under the provisions of this
264 chapter shall expire annually. The fee for renewal of a [certificate]
265 license shall be the same as the fee charged for an original application.

266 (g) The renewal fee for a [certificate of registration] license as a
267 home improvement contractor acting solely as the contractor of record
268 for a registration as a home improvement contractor acting solely as
269 the contractor of record for a corporation, shall be waived, if such
270 contractor uses such [registration] license for the sole purpose of
271 directing, supervising or performing home improvements for such
272 corporation.

273 (h) Failure to receive a notice of expiration or a renewal application
274 shall not exempt a contractor or [salesman] salesperson from the
275 obligation to renew.

276 (i) No contractor shall commence work unless each applicable
277 building or construction permit has been obtained as may be required
278 under the general statutes or local ordinances.

279 Sec. 9. Subsection (a) of section 20-429 of the general statutes is
280 repealed and the following is substituted in lieu thereof:

281 (a) No home improvement contract shall be valid or enforceable
282 against an owner unless it: (1) Is in writing, (2) is signed by the owner
283 and the contractor, (3) contains the entire agreement between the
284 owner and the contractor, (4) contains the date of the transaction, (5)
285 contains the name and address of the contractor, (6) contains a notice
286 of the owner's cancellation rights in accordance with the provisions of
287 chapter 740, (7) contains a starting date and completion date, and (8) is
288 entered into by a [registered salesman or registered] licensed
289 salesperson or licensed contractor. Each change in the terms and
290 conditions of a contract shall be in writing and shall be signed by the
291 owner and contractor, except that the commissioner may, by

292 regulation, dispense with the necessity for complying with the
293 requirement that each change in a home improvement contract shall be
294 in writing and signed by the owner and contractor.

295 Sec. 10. Section 20-429a of the general statutes is repealed and the
296 following is substituted in lieu thereof:

297 No contractor or [salesman] salesperson shall solicit or otherwise
298 endeavor to procure home improvement work or a home
299 improvement contract from an owner by notifying the owner that a
300 contractor will commence home improvement work unless the owner
301 instructs the contractor not to commence such work by a date
302 determined by the contractor.

303 Sec. 11. Section 20-432 of the general statutes is repealed and the
304 following is substituted in lieu thereof:

305 (a) The commissioner shall establish and maintain the Home
306 Improvement Guaranty Fund.

307 (b) Each [salesman] salesperson who receives a [certificate] license
308 pursuant to this chapter shall pay a fee of forty dollars annually. Each
309 contractor who receives a [certificate] license pursuant to this chapter
310 shall pay a fee of one hundred dollars annually to the guaranty fund.
311 [Said] Such fee shall be payable with the fee for an application for a
312 [certificate] license or renewal thereof. The annual fee for a contractor
313 who receives a [certificate of registration as a home improvement]
314 license as a contractor acting solely as the contractor of record for a
315 corporation, shall be waived, provided the contractor of record shall
316 use such [registration] license for the sole purpose of directing,
317 supervising or performing home improvements for such corporation.

318 (c) Payments received under subsection (b) of this section shall be
319 credited to the guaranty fund. [until the balance in such fund equals
320 seven hundred fifty thousand dollars. Annually, if such fund has an
321 excess, the first four hundred thousand dollars of the excess shall be

322 deposited into the Consumer Protection Enforcement Fund established
323 in section 21a-8a. Any excess thereafter shall be deposited in the
324 General Fund.] Any money in the guaranty fund may be invested or
325 reinvested in the same manner as funds of the state employees
326 retirement system, and the interest arising from such investments shall
327 be credited to the guaranty fund.

328 (d) Whenever an owner obtains a court judgment against any
329 contractor holding a [certificate] license or who has held a [certificate]
330 license under this chapter within the past two years of the effective
331 date of entering into the contract with the owner, for loss or damages
332 sustained by reason of performance of or offering to perform a home
333 improvement within this state by a contractor holding a [certificate]
334 license under this chapter, such owner may, upon the final
335 determination of, or expiration of time for, appeal in connection with
336 any such judgment, apply to the commissioner for an order directing
337 payment out of said guaranty fund of the amount unpaid upon the
338 judgment for actual damages and costs taxed by the court against the
339 contractor, exclusive of punitive damages. The application shall be
340 made on forms provided by the commissioner and shall be
341 accompanied by a certified copy of the court judgment obtained
342 against the contractor together with a notarized affidavit, signed and
343 sworn to by the owner, affirming that: (1) [He] The owner has
344 complied with all the requirements of this subsection; (2) [he] the
345 owner has obtained a judgment stating the amount thereof and the
346 amount owing thereon at the date of application; and (3) [he] the
347 owner has caused to be issued a writ of execution upon [said] the
348 judgment, and the officer executing the same has made a return
349 showing that no bank accounts or real property of the contractor liable
350 to be levied upon in satisfaction of the judgment could be found, or
351 that the amount realized on the sale of them or of such of them as were
352 found, under the execution, was insufficient to satisfy the actual
353 damage portion of the judgment or stating the amount realized and
354 the balance remaining due on the judgment after application thereon
355 of the amount realized, except that the requirements of this

356 subdivision shall not apply to a judgment obtained by the owner in
357 small claims court. A true and attested copy of [said] the executing
358 officer's return, when required, shall be attached to such application
359 and affidavit. No application for an order directing payment out of the
360 guaranty fund shall be made later than two years from the final
361 determination of, or expiration time for, appeal of [said] the court
362 judgment.

363 (e) Upon receipt of [said] such application together with [said] such
364 certified copy of the court judgment, notarized affidavit and true and
365 attested copy of the executing officer's return, the commissioner or
366 [his] the commissioner's designee shall inspect such documents for
367 their veracity and upon a determination that such documents are
368 complete and authentic, and a determination that the owner has not
369 been paid, the commissioner shall order payment out of the guaranty
370 fund of the amount unpaid upon the judgment for actual damages and
371 costs taxed by the court against the contractor, exclusive of punitive
372 damages.

373 (f) Whenever an owner is awarded an order of restitution against
374 any contractor for loss or damages sustained by reason of performance
375 of or offering to perform a home improvement in this state by a
376 contractor holding a [certificate] license or who has held a [certificate]
377 license under this chapter within the past two years of the date of
378 entering into the contract with the owner, in a proceeding brought by
379 the commissioner pursuant to this section or subsection (d) of section
380 42-110d, or in a proceeding brought by the Attorney General pursuant
381 to subsection (a) of section 42-110m or subsection (d) of section 42-
382 110d, or a criminal proceeding pursuant to section 20-427, as amended
383 by this act, such owner may, upon the final determination of, or
384 expiration of time for, appeal in connection with any such order of
385 restitution, apply to the commissioner for an order directing payment
386 out of [said] the guaranty fund of the amount unpaid upon [the] such
387 order of restitution. The commissioner may issue said order upon a
388 determination that the owner has not been paid.

389 (g) Before the commissioner shall issue any order directing payment
 390 out of the guaranty fund to an owner pursuant to subsections (e) or (f)
 391 of this section, the commissioner shall first notify the contractor of the
 392 owner's application for an order directing payment out of the guaranty
 393 fund and of the contractor's right to a hearing to contest the
 394 disbursement in the event that the contractor has already paid the
 395 owner. Such notice shall be given to the contractor within fifteen days
 396 of the receipt by the commissioner of the owner's application for an
 397 order directing payment out of the guaranty fund. If the contractor
 398 requests a hearing in writing by certified mail within fifteen days of
 399 receipt of the notice from the commissioner, the commissioner shall
 400 grant such request and shall conduct a hearing in accordance with the
 401 provisions of chapter 54. If the commissioner receives no written
 402 request by certified mail from the contractor for a hearing within
 403 fifteen days of the contractor's receipt of such notice, the commissioner
 404 shall determine that the owner has not been paid, and the
 405 commissioner shall issue an order directing payment out of the
 406 guaranty fund for the amount unpaid upon the judgment for actual
 407 damages and costs taxed by the court against the contractor, exclusive
 408 of punitive damages, or for the amount unpaid upon the order of
 409 restitution.

410 (h) The commissioner or [his] the commissioner's designee may
 411 proceed against any contractor holding a [certificate] license or who
 412 has held a [certificate] license under this chapter within the past two
 413 years of the effective date of entering into the contract with the owner,
 414 for an order of restitution arising from loss or damages sustained by
 415 any person by reason of such contractor's performance of or offering to
 416 perform a home improvement in this state. Any such proceeding shall
 417 be held in accordance with the provisions of chapter 54. In the course
 418 of such proceeding, the commissioner or [his] the commissioner's
 419 designee shall decide whether to exercise [his] the commissioner's
 420 powers pursuant to section 20-426, as amended by this act; whether to
 421 order restitution arising from loss or damages sustained by any person
 422 by reason of such contractor's performance or offering to perform a

423 home improvement in this state; and whether to order payment out of
 424 the guaranty fund. Notwithstanding the provisions of chapter 54, the
 425 decision of the commissioner or [his] the commissioner's designee shall
 426 be final with respect to any proceeding to order payment out of the
 427 guaranty fund and the commissioner and [his] the commissioner's
 428 designee are exempted from the requirements of chapter 54 as they
 429 relate to appeal from any such decision. The commissioner or [his] the
 430 commissioner's designee may hear complaints of all owners
 431 submitting claims against a single contractor in one proceeding.

432 (i) No application for an order directing payment out of the
 433 guaranty fund shall be made later than two years from the final
 434 determination of, or expiration of time for, appeal in connection with
 435 any judgment or order of restitution.

436 (j) Whenever the owner satisfies the commissioner or [his] the
 437 commissioner's designee that it is not practicable to comply with the
 438 requirements of subdivision (3) of subsection (d) of this section and
 439 that the owner has taken all reasonable steps to collect the amount of
 440 the judgment or the unsatisfied part thereof and has been unable to
 441 collect the same, the commissioner or [his] the commissioner's
 442 designee may in his or her discretion dispense with the necessity for
 443 complying with such requirement.

444 (k) In order to preserve the integrity of the guaranty fund, the
 445 commissioner, in the commissioner's sole discretion, may order
 446 payment out of [said] the guaranty fund of an amount less than the
 447 actual loss or damages incurred by the owner or less than the order of
 448 restitution awarded by the commissioner or the Superior Court. In no
 449 event shall any payment out of [said] the guaranty fund be in excess of
 450 fifteen thousand dollars for any single claim by an owner.

451 (l) If the money deposited in the guaranty fund is insufficient to
 452 satisfy any duly authorized claim or portion thereof, the commissioner
 453 shall, when sufficient money has been deposited in the fund, satisfy
 454 such unpaid claims or portions thereof, in the order that such claims or

455 portions thereof were originally determined.

456 (m) When the commissioner has caused any sum to be paid from
 457 the guaranty fund to an owner, the commissioner shall be subrogated
 458 to all of the rights of the owner up to the amount paid plus reasonable
 459 interest, and prior to receipt of any payment from the guaranty fund,
 460 the owner shall assign all of [this] the owner's right, title and interest in
 461 the claim up to such amount to the commissioner, and any amount
 462 and interest recovered by the commissioner on the claim shall be
 463 deposited to the guaranty fund.

464 (n) If the commissioner orders the payment of any amount as a
 465 result of a claim against a contractor, the commissioner shall determine
 466 if the contractor is possessed of assets liable to be sold or applied in
 467 satisfaction of the claim on the guaranty fund. If the commissioner
 468 discovers any such assets, [he] the commissioner may request that the
 469 Attorney General take any action necessary for the reimbursement of
 470 the guaranty fund.

471 (o) If the commissioner orders the payment of an amount as a result
 472 of a claim against a contractor, the commissioner may, after notice and
 473 hearing in accordance with the provisions of chapter 54, revoke the
 474 [certificate] license of the contractor and the contractor shall not be
 475 eligible to receive a new or renewed [certificate until he] license until
 476 such contractor has repaid such amount in full, plus interest from the
 477 time said payment is made from the guaranty fund, at a rate to be in
 478 accordance with section 37-3b, except that the commissioner may, in
 479 [his] the commissioner's sole discretion, permit a contractor to receive
 480 a new or renewed [certificate] license after that contractor has entered
 481 into an agreement with the commissioner whereby the contractor
 482 agrees to repay the guaranty fund in full in the form of periodic
 483 payments over a set period of time. Any such agreement shall include
 484 a provision providing for the summary suspension of any and all
 485 [certificates] licenses held by the contractor if payment is not made in
 486 accordance with the terms of the agreement.

487 Sec. 12. (NEW) (a) As used in this section and section 13 of this act:

488 (1) "Telecommunications infrastructure layout technician" means an
489 individual licensed by the Department of Consumer Protection
490 pursuant to this section, to produce telecommunications infrastructure
491 designs that comply with nationally recognized standards;

492 (2) "Telecommunications infrastructure layout" means the preparing
493 and producing of telecommunications infrastructure design and shop
494 drawings to be used for the installation, alteration or modification of a
495 telecommunications infrastructure; and

496 (3) "Nationally recognized standards" means the National Electric
497 Code NFPA-70, the ANSI/TIA/EIA 568-A, Commercial Building
498 Telecommunications Cabling Standard, the ANSI/EIA/TIA-569-A,
499 Commercial Building Standard for Telecommunications Pathways and
500 Spaces, the ANSI/EIA/TIA-570 Residential and Light Commercial
501 Telecommunications Wiring Standard and all other ANSI approved
502 installation standards or equivalent.

503 (b) No individual shall practice as a telecommunications
504 infrastructure layout technician unless the individual has obtained a
505 license from the Department of Consumer Protection issued pursuant
506 to this section. The department shall issue a telecommunications
507 infrastructure layout technician license as a three inch by two inch card
508 to any individual who: (1) Has completed a certified communication
509 designer program or a community college approved program that
510 assures industry standards in telecommunications infrastructure
511 design; (2) has submitted an application pursuant to subsection (c) of
512 this section deemed acceptable by the Commissioner of Consumer
513 Protection; and (3) has held for a period of not less than five years and
514 continues to hold a valid E, C, L or T license under the Electrical Work
515 Board. A telecommunications infrastructure layout technician license
516 shall expire annually. The fee for a telecommunications infrastructure
517 layout technician license is one hundred fifty dollars.

518 (c) Each applicant shall submit a typewritten, except for any
519 signatures, application for licensure as a telecommunications
520 infrastructure layout technician on forms prescribed and furnished by
521 the Department of Consumer Protection. The applicant shall include
522 the names and addresses of three or more individuals familiar with the
523 applicant's education and work experience. The applicant shall attach
524 to the application a recent two inch by two inch color photograph of
525 the applicant's face and a nonrefundable application fee. Such
526 application fee is seventy-five dollars.

527 (d) The Department of Consumer Protection shall notify, by mail,
528 each individual licensed pursuant to this section of the date of
529 expiration of such license. Each individual requesting a renewal shall
530 apply in the manner prescribed by the Commissioner of Consumer
531 Protection. Such renewal fee is one hundred fifty dollars.

532 (e) Each licensee shall obtain a seal from the Department of
533 Consumer Protection. The licensee shall sign and apply the seal to all
534 documentation required by statute concerning work within the
535 purview of the telecommunications infrastructure layout technician
536 license. If such documentation is more than one page and bound
537 together, the licensee may sign and apply the seal to one page, unless
538 such documentation concerns filing plans for a building permit or
539 appurtenant structures where the licensee shall sign and apply the seal
540 to every page. No licensee shall sign or apply the seal to any
541 documentation that such licensee did not supervise the preparation of.

542 (f) The Department of Consumer Protection may impose any
543 sanction under sections 20-307a, 21-7 and 21a-9 of the general statutes
544 upon any licensee who performs (1) negligent or incompetent work; (2)
545 engages in conduct of a character likely to mislead, deceive or defraud
546 the public or the department; or (3) violates any of the provisions of
547 chapter 391 of the general statutes or the regulations adopted under
548 the provisions of said chapter 391.

549 (g) Any person who is a professional engineer licensed in

550 accordance with the provisions of chapter 391 of the general statutes
551 shall be exempt from such licensing requirement.

552 Sec. 13. (NEW) If working drawings are used for the installation,
553 alteration or modification of a telecommunications infrastructure, no
554 state, city, town or borough building official responsible for the
555 enforcement of laws, ordinances or regulations relating to the
556 construction or alteration of buildings or structures, shall accept or
557 approve any such drawings or specifications that are not accompanied
558 by evidence of licensure as a telecommunications infrastructure layout
559 technician licensed pursuant to section 12 of this act or are not
560 accompanied by evidence of licensure as a professional engineer in
561 accordance with chapter 391 of the general statutes.

562 Sec. 14. Section 20-420a of the general statutes is repealed.

563 Sec. 15. This act shall take effect July 1, 2001, except that sections 12
564 and 13 shall take effect October 1, 2001.

Statement of Purpose:

To establish licensing programs for home improvement contractors
and telecommunications infrastructure layout technicians.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline,
except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is
not underlined.]*